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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/047,134

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Fang Ma

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01/06/2006

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EXAMINER

SILVER, DAVID

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/047,134	<b>Applicant(s)</b> MA ET AL.	
	<b>Examiner</b> David Silver	<b>Art Unit</b> 2128	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-18 were presented in Instant Application filed 1/15/2002. Claims 1-18 were rejected in Office Action dated 9/7/2005. Claims 1-18 are presented for reevaluation of patentability, in reply to Office Action, dated 11/7/2005.

### ***Response to Amendment***

2. Applicant's arguments with respect to claim 1-18 have been considered but are moot in view of the new ground(s) of rejection as necessitated by amendment.

### ***Response: Objections***

3. The Examiner thanks the Applicant for correcting the Abstract and Figure 3. The Objections have been withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (**US 6,709,330**), and further in view of O'Shaughnessy ("OS") (**US 6,484,151**).

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As per amended claim 1, Klein discloses a system for simulating trading of financial assets having a computer (**col.: 22 lines: 40-47**), software executing on said computer for displaying a first time interval and a first corresponding price of a plurality of time intervals and corresponding prices (**col.: 7 lines: 48-56 , Figure 6 options detail and equity detail**), software executing on said computer for receiving an indication of a decision to trade (**Figure 7, col 8 ln 28-30**), software executing on said computer for simulating the trade (**col.: 1 lines: 11-15, col.: 15 lines: 51-52**), software executing on said computer for repeatedly displaying a next time interval and a next corresponding price of the plurality of time intervals and corresponding prices (**col.: 7 lines: 48-56, col.: 4 lines: 61-63, Figure 6 options detail and equity detail**), software executing on said computer for repeatedly receiving indications of decisions to trade based upon said next time interval and said next corresponding price of the plurality of time intervals and corresponding prices (**col.: 15 lines: 34-39**), and software executing on said computer for repeatedly simulating trades based upon said repeatedly received indications of decisions to trade (**col.: 15 lines: 51-52**). Klein however does not explicitly mention that his historical data contains at least some of said plurality of time intervals and corresponding prices being based on actual historical data. O'Shaughnessy ("**OS**") however discloses a stock simulation system having the said feature (**col: 3 line: 6-17**). It would have been obvious to an artisan of ordinary skill at the time of Applicant's invention to combine the two references in order to test an individuals trading strategy without incurring loss of assets (**OS: col: 4 line: 50-52**).

As per claim 2, Klein discloses a system according to claim 1, wherein some of said plurality of time intervals and corresponding prices are based on fictitious data (**Figure 15 item 1510**).

As per claim 3, Klein discloses all limitations of claim 1. Klein does not however explicitly mention that the time and the corresponding prices are based solely on historical data. OS however discloses a stock simulation system having the said feature (**col: 3 line: 6-17**). It would have been obvious to an artisan of ordinary skill in the art at the time of the Applicant's invention to combine the two references in order to test an individuals trading strategy without incurring loss of assets (**OS: col: 4 line: 50-52**).

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As per claim 4, Klein discloses a system according to claim 1, wherein said historical data is selected from the group consisting of news, stories, events, market performance, and combinations thereof **(col.: 2 lines: 7-13)**.

As per claim 5, Klein discloses a system according to claim 1, wherein the plurality of time intervals and corresponding prices are displayed graphically **(Figure 12)**.

As per claim 6, Klein discloses a system according to claim 1, further comprising software executing on said computer for displaying a recommendation based upon the decisions to trade **(col.: 16 lines: 16-23)**.

As per claim 7, Klein discloses a computer system that displays a time intervals and the corresponding prices. Wherein the computer system receives a request to simulate, and simulates the trade. Wherein the requests and simulations occur repeatedly. Klein does not however substantially disclose that the computer evaluates performance compared to benchmarks. O'Shaughnessy however discloses an analogous system that discloses the limitations **(col2 lines 62 to col3 line 47, emphasis on col. 3 In 34-39 and col. 3 In 8-9)**. It would have been obvious to one of ordinary skill in the art <stock simulation / modeling> at the time of Applicant's invention to combine the features of the two references in order to allow the user to receive better feedback from his or her trading strategy.

As per claim 8, Klein discloses a system according to claim 1, further comprising software executing on said computer for providing a plurality of time intervals and corresponding prices for a portfolio of financial assets **(col.: 2 lines: 14-20, Figure 12)**.

As per claim 9, Klein discloses a system according to claim 1, further comprising software executing on said computer for receiving indications of trades from a plurality of users **(col.: 4 lines: 61-63, col.: 4 lines: 64-66, col.: 4 lines: 38-44)**.

As per claim 10, Klein discloses a system according to claim 9, further comprising software executing on said computer for evaluating performance as compared to other users **(col.: 4 lines: 64-66)**.

As per claim 11, Klein discloses a system according to claim 1, wherein the displayed time intervals and corresponding prices do not indicate their source of origin **(col.: 12 lines: 20-31)**.

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As per claim 12, Klein discloses a system according to claim 1, wherein the plurality of time intervals and corresponding prices are based upon randomly selected historical data (**col.: 12 lines: 20-31, Figure 15 item 1510**).

As per amended claim 13, Klein discloses a system for simulating trading of financial assets having a computer (**col.: 22 lines: 40-47**), software executing on said computer for receiving a request to display specified information (**col.: 5 lines: 46-49**), software executing on said computer for displaying a first time interval and a first corresponding price of a plurality of time intervals and corresponding prices (**col.: 7 lines: 48-56 , Figure 6 options detail and equity detail**), software executing on said computer for displaying specified information (**col.: 5 lines: 46-49**), software executing on said computer for receiving an indication of a decision to trade (**Figure 7, col 8 ln 28-30**), software executing on said computer for simulating the trade (**col.: 1 lines: 11-15, col.: 15 lines: 51-52**), software executing on said computer for repeatedly displaying a next time interval and a next corresponding price of the plurality of time intervals and corresponding prices (**col.: 7 lines: 48-56, col.: 4 lines: 61-63, Figure 6 options detail and equity detail**), software executing on said computer for repeatedly receiving indications of decisions to trade based upon said next time interval and said next corresponding price of the plurality of time intervals and corresponding prices (**col.: 15 lines: 34-39**), and software executing on said computer for repeatedly simulating trades based upon said repeatedly received indications of decisions to trade (**col.: 15 lines: 51-52**). Klein however does not explicitly mention that his historical data contains at least some of said plurality of time intervals and corresponding prices being based on actual historical data. OS however discloses a stock simulation system having the said feature (**col: 3 line: 6-17**). It would have been obvious to an artisan of ordinary skill at the time of Applicant's invention to combine the two references in order to test an individuals trading strategy without incurring loss of assets (**OS: col: 4 line: 50-52**).

As per claim 14, Klein discloses a system according to claim 13, wherein said specified information is requested by a user (**col.5 lines 46-49, col.: 4 lines: 61-63, col.: 4 lines: 64-66, col.: 4 lines: 38-44**).

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As per claim 15, Klein discloses a system according to claim 13, wherein said specified information is selected from the group consisting of news, stories, events, market performance, a historical time period, and combinations thereof **(col.: 2 lines: 7-13)**.

As per claim 16, Klein discloses a method for providing a simulated trading environment for trading financial assets. The method has steps of providing a computer **(col.: 22 lines: 40-47)**, displaying a time interval on said computer **(col.: 7 lines: 48-56 , Figure 6 options detail and equity detail)**, displaying a price of a financial asset corresponding to said time interval **(col.: 7 lines: 48-56 , Figure 6 options detail and equity detail)**, receiving an indication to trade the financial asset **(Figure 7, col 8 In 28-30)**, simulating the trade according to said indication to trade **(col.: 1 lines: 11-15, col.: 15 lines: 51-52)**, repeatedly displaying a next time interval and a next corresponding price of a plurality of time intervals and corresponding prices **(col.: 7 lines: 48-56, col.: 4 lines: 61-63, Figure 6 options detail and equity detail)**, repeatedly receiving indications of decisions to trade based upon said next time interval and said next corresponding price **(col.: 15 lines: 34-39)**, and repeatedly simulating trades based upon said repeatedly received indications of decisions to trade **(col.: 15 lines: 51-52)**. ). Klein however does not explicitly mention that his historical data contains at least some of said plurality of time intervals and corresponding prices being based on actual historical data. OS however discloses a stock simulation system having the said feature **(col: 3 line: 6-17)**. It would have been obvious to an artisan of ordinary skill at the time of Applicant's invention to combine the two references in order to test an individuals trading strategy without incurring loss of assets **(OS: col: 4 line: 50-52)**.

As per claim 17, Klein discloses a method according to claim 16, further comprising the step of receiving user specified information **(col.5 lines 46-49)**.

As per claim 18, Klein discloses a method according to claim 17, further comprising the step of displaying said user specified information **(col.5 lines 46-49)**.

5. Claims 1, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein **(US 6,709,330)**, and further in view of Applicants' admissions **(background of invention)**.

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As per amended claim 1, Klein discloses a system for simulating trading of financial assets having a computer (**col.: 22 lines: 40-47**), software executing on said computer for displaying a first time interval and a first corresponding price of a plurality of time intervals and corresponding prices (**col.: 7 lines: 48-56 , Figure 6 options detail and equity detail**), software executing on said computer for receiving an indication of a decision to trade (**Figure 7, col 8 ln 28-30**), software executing on said computer for simulating the trade (**col.: 1 lines: 11-15, col.: 15 lines: 51-52**), software executing on said computer for repeatedly displaying a next time interval and a next corresponding price of the plurality of time intervals and corresponding prices (**col.: 7 lines: 48-56, col.: 4 lines: 61-63, Figure 6 options detail and equity detail**), software executing on said computer for repeatedly receiving indications of decisions to trade based upon said next time interval and said next corresponding price of the plurality of time intervals and corresponding prices (**col.: 15 lines: 34-39**), and software executing on said computer for repeatedly simulating trades based upon said repeatedly received indications of decisions to trade (**col.: 15 lines: 51-52**). Klein however does not explicitly mention that his historical data contains at least some of said plurality of time intervals and corresponding prices being based on actual historical data. Applicants' admit that the use of real historical data was known (**para 4**). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the features of Klein with the features admitted to be known by the Applicants in order to allow for practice and sharpening of ones trading skills, as also admitted by Applicants (**para 4**).

As per amended claim 13, note the rejection of claim 1 above. The Instant Claim is functionally equivalent to the above-rejected claim 1 but for:

The system additionally is for receiving a request to display specified information and has software executing on said computer for displaying specified information (**Klein: col.: 5 lines: 46-49**).

As per amended claim 16, note the rejection of claims 1 and 13 above. The Instant Claim is functionally equivalent to the above-rejected claims and is therefore rejected under same prior-art teachings.



***Conclusion***

6. All claims rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ds

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Art Unit 2128

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